

State of Wisconsin



1997 Assembly Bill 447

Date of enactment: **April 27, 1998**
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1997 WISCONSIN ACT 193

AN ACT to amend 281.19 (2) (a), 283.89 (1), 283.89 (2) and 293.83 (1) (d) of the statutes; relating to: enforcement of certain environmental laws regulating mining and water pollution.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 281.19 (2) (a) of the statutes is amended to read:

281.19 (2) (a) The department may issue special orders directing particular owners to secure such operating results toward the control of pollution of the waters of the state as the department prescribes, within a specified time. Pending efforts to comply with any order, the department may permit continuance of operations on such conditions as it prescribes. If any owner cannot comply with an order within the time specified, the owner may, before the date set in the order, petition the department to modify the order. The department may modify the order, specifying in writing the reasons therefor. If any order is not complied with within the time period specified, the department shall immediately notify the attorney general of this fact. ~~Within 30 days thereafter~~ After receiving the notice, the attorney general shall ~~forthwith~~ commence an action under s. 299.95.

SECTION 2. 283.89 (1) of the statutes is amended to read:

283.89 (1) Except as provided in sub. (2m), whenever on the basis of any information available to it the department finds that any person is violating this chapter, any rule adopted thereunder or any term or condition of

any permit issued pursuant to this chapter, including general permits issued under s. 283.35, the department shall refer the matter to the department of justice for enforcement under s. 283.91.

SECTION 3. 283.89 (2) of the statutes is amended to read:

283.89 (2) The department of justice shall initiate the legal action requested by the department under sub. (1) ~~within 30 days of receipt of the written request~~. In any action commenced by it under this subsection, the department of justice shall, prior to stipulation, consent order, judgment or other final disposition of the case, consult with the department for the purpose of determining the department's views on final disposition. The department of justice shall not enter into a final disposition different than that previously discussed without first informing the department.

SECTION 4. 293.83 (1) (d) of the statutes is amended to read:

293.83 (1) (d) *Enforcement of orders.* The department shall cancel the mining permit for a mining site held by an operator who fails to comply with an order issued under par. (a) 1. The department shall inform the department of justice of the cancellation within 14 days. ~~Within 30 days after~~ After receiving notice of the cancellation, the department of justice shall commence an action under s. 293.87.

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].